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7

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,
11

12 Plaintiff,

13 v.

14 DEMARCUS DOSEWELL,
15

Defendant.
16

Case No. 2:21-cr-00168-JAD-EJY-1

**STIPULATION TO CONTINUE
PRETRIAL MOTION DEADLINES**
(First Request)

17 IT IS HEREBY STIPULATED AND AGREED, by and between Christopher Chiou,
18 Acting United States Attorney, and Joshua Brister, Assistant United States Attorney, counsel
19 for the United States of America, and Rene L. Valladares, Federal Public Defender, and
20 LaRonda R. Martin, Assistant Federal Public Defender, counsel for Demarcus Dosewell, that
21 the previously ordered deadline for filing of pretrial motions be vacated and that the parties
22 herein shall have to and including December 28, 2021, within which to file the Defendant's
23 pretrial motions.

24 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they
25 shall have to and including January 11, 2022, to file any and all responsive pleadings.

26 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they
shall have to and including January 18, 2022, to file any and all replies to dispositive motions.

The Stipulation is entered into for the following reasons:

1. Counsel for the defendant needs additional time to conduct investigation in this case in order to determine whether there are any pretrial issues that must be litigated and whether the case will ultimately go to trial or will be resolved through negotiations.

2. The defendant is incarcerated and does not object to the continuance.

3. The parties agree to the continuance.

4. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for defendant sufficient time within which to be able to effectively and complete investigation of the discovery materials provided.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

This is the first stipulation to continue filed herein.

DATED this 12th day of November, 2021.

RENE L. VALLADARES
Federal Public Defender

By /s/ LaRonda R. Martin

LARONDA R. MARTIN
Assistant Federal Public Defender

CHRISTOPHER CHIOU
Acting United States Attorney

By /s/ Joshua Brister

JOSHUA BRISTER
Assistant United States Attorney

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

V.

DEMARCUS DOSEWELL,

Defendant.

Case No. 2:21-cr-00168-JAD-EJY-1

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the defendant needs additional time to conduct investigation in this case in order to determine whether there are any pretrial issues that must be litigated and whether the case will ultimately go to trial or will be resolved through negotiations.

2. The defendant is incarcerated and does not object to the continuance.

3. The parties agree to the continuance.

4. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for defendant sufficient time within which to be able to effectively and complete investigation of the discovery materials provided.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18, United States Code, § 3161(h)(7)(B)(i), (iv).

ORDER

IT IS THEREFORE ORDERED that the parties herein shall have to and including December 28, 2021 to file any and all pretrial motions and notice of defense.

IT IS FURTHER ORDERED that the parties shall have to and including January 11, 2022 to file any and all responses.

IT IS FURTHER ORDERED that the parties shall have to and including January 18, 2022 to file any and all replies.

DATED this 18th day of November, 2021.


UNITED STATES DISTRICT JUDGE